

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PRISON LEGAL NEWS, a Project of
the Human Rights Defense Center,

Plaintiff,

v.

Case No. 11-cv-13460-DPH-MAR
Hon. Denise Page Hood

LIVINGSTON COUNTY SHERIFF
BOB BEZOTTE, individually and
officially and LIVINGSTON COUNTY,

Defendants.

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NOTICE OF SUPPLEMENTAL AUTHORITY

**A. IN OPPOSITION TO DEFENDANT'S MOTION FOR PARTIAL JUDGMENT
ON THE PLEADINGS AND IN SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiff Prison Legal News (PLN) respectfully requests that the Court take notice of and consider a June 1, 2012 appellate opinion in the case of *Prison Legal News v. Livingston, et al.*, Case No. 11-40128 (5th Cir. 2012), overruling a District Court opinion which was extensively quoted and heavily relied upon by Defendants in Defendants' Motion for Partial Judgment on the Pleadings (Dkt. 11, pp. 4, 5) and was also cited in Defendants' Brief in Opposition to Prison Legal News' Motion for Preliminary Injunction (Dkt. 32, p. 3). A true and correct copy of the opinion is attached hereto as **Exhibit 1**.

PLN also requests that the court take notice of and consider the recent Sixth Circuit Court of Appeals opinion in the case of *McGlone v. Bell, et al.*, Case No. 10-6055/6169 (6th Cir. 2012), decided and published after the filing date of the last relevant pleading in this case, which

specifically addresses the issue of a Plaintiff's standing and Rule 12 (c) motions in the context of civil rights cases such as the case at bar. A true and correct copy of the opinion is attached hereto as **Exhibit 2**.

B. IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

PLN further requests that the Court take notice of and consider a May 29, 2012 Order on a Motion for Preliminary Injunction in the case of *Prison Legal News v. Columbia County, et al.*, Case No. 3:12-cv-00071 (D. Or.) which presented for decision an issue nearly identical to one in this case, specifically, whether a County Jail's "postcard-only" mail policy violates the First Amendment to the United States Constitution. A true and correct copy of the order is attached hereto as **Exhibit 3**.

Respectfully submitted,

/s/ Daniel E. Manville
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PROOF OF SERVICE

I, Daniel E. Manville certify, under penalty of perjury, that on June 12, 2012, I caused a copy of the above document to be served by the ECF system on Defendants' Attorney.

/s/ Daniel E. Manville

Daniel E. Manville